THE SEVERAL EXAMINATIONS AND TRYAL

Of Colonel

JAMES TURNER,

Mary Turner his Wife, *John Turner*, *Ely Turner* his Sons, and *William Turner* his Brother, being Arraigned and Indicted at the Sessions-House in the *Old Bayly London* the 15. of this present *January*, for breaking into the House of Mr. *Trian* of *Linie-Street* Merchant, and robbing him of about 5000 *l.* in Money and Jewels the 7. day of *January*.

Licensed and Entered.

London, Printed for *I. R.*

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The Inditement.

YOu stand indited by the names of *James Turner* the Father, *John Turner* the eldest Son, *William Turner* his brother, *Mary* the wife of *James Turner*, *Ely* the youngest Son of *James Turner* Gent. and you *Mary*, otherwise the wife of the said *James Turner*, in that you the 7th day of *Ianuary* in the 15th year in the Reign of King *CHARLES* the second &c. Did at 10 a clock in the night, the same day, in the Parish of *S. And. Vndershaft* in the house of M. *Trion* then & there feloniously break & enter &c. And did there make an assault and him in danger of his life did put, and also did take and bear away one pretious stone to the value of one hundred pound, Two Iewels of pendent Pearls with half moons and seven moones & half moones, and eight Rubies to the value of eighty pound, One tophet pendant pearl embossed with one Iewel to the value of 150 l. One Gold Ring with an Emerald to the value of 300 l. One gold chayn 24 l. One gold Ring with nine Diamonds 60 l. Two gold rings with two Diamonds 3 l. One necklesse of pearl 500 l. One Crosset with 70 Diamonds 100 l. a necklesse of pearl 11 l. 10 s. Another necklesse of pearl 18 l. 7 Iewels with 46 Diamonds 300 l. Another Iewel 43 Diamonds 250 l. A a gold Ring with Diamond 50 l. One Locket with 32 Diamonds 72 l. Two Lockets with one ruby and 20 Dinmonds in them 60 l. One pendant 40 l. Another Ring 35 l. Six bracelets of pretious stones 20 l. A Saphir with 20 Diamonds 40 l. A Locket with nine Diamonds 20 l. another Locket with 8 Diamonds 8 l. One Iewel with 12 Diamonds 15 l. One gold ring with a Diamond 5 l. One Iewel with a ruby and jasper 12 l. One string with 62 pearls 12 l. Another Diamond 20 l. One gold ring 15 l. Another ring 13 l. One Diamond 12 l. One Iewel 10 l. One Diamond 10 l. One Iasper 15 l. 16 Gold

Rings 17 l. 5 peices of gold of King *James* his gold. Two peices of gold. Two other peices of gold of 20 s. a peice. Two other peices of 5 l. Four other peices of 30 s. peices Five other peices of French Pistols. 1023 l. of moneys numbred in the same house, then and there being found did steal, take and bear away against the peace of our Soveraign Lord the King his Crown and dignity, and that you *Mary*, *John* and *Ely Turner* knowing the said Felony and Burglary committed as aforesaid in the parish of St. *Andrews Vndershafts Lime-street* did maintain and abet the said Felony against the Crown and dignity of our Soveraign Lord the King. Upon this indictment they have been arraigned, and for their tryal they have put themselves upon God and the Country, which Country you are &c. O yes being made, the Jury sworn, onely one of the Jury was accepted against by Col. *Turner*, by reason of a suit formerly between them about a share of a Ship. Upon the Jury es laying their hands on the book, he particularly desired God to direct them, bowing his body to each of them, silence being commanded, Sr. *Thomas Allyn* being sworn, informed the Court as followeth.

Sr. *Thomas Allen Witness*. May it please your Lordship, and you Gentlemen of the Jury, upon *Friday* morning last was sevennight, I hearing of this Robbery went to visit Mr. *Francis Tryon*, not thinking but the business had been in examination before I came; and finding there severall persons which desired me to put the business into examination, I went then into the Kitching, where there were a great company of people, the first that I examined was Mr. *Tryon's* Man and Maid, and they told me (being asked where they were that night) they went forth to Supper to the Dancing-schoole, and to play at Cards, before they came home they heard their Master was Robbed, which made them hasten home: I examining them if they did use to go abroad after their Master was in bed, the Man, one *Hall*, confessed he had been thirty times, after his Master was in bed, at *Turner's* House a year before, but the Maid denied she had been there. I heard the Man when he came in being asked by his Master after he had supped where he had been, he answered

he

he had Supped at Collonell *Turners*, but to me he denied it: and told me the reason why he then spake it, was because he thought it would be more grateful to his Master. Then I examined where he was the day before his Master was robbed, he told me of severall places he had been at, but I found nothing of it material. Then I examined Col. *Turner* where he had been that night, and he answered he went to bed at nine of the Clock, and was called out of his Bed, and I having some ground to suspect him, I went and told Mr. *Tryon* that Collonell *Turner* did know where the things were, if he were not the Thief himself; but the old Gentleman could not mistrust him. And I desired leave to charge him with it, which I did when he came in, and he did not deny it positively, as if he were innocent. I told him I could search his house without his consent, but if he would go with them to search his house with consent, and not to speak to any of his Family before the house was searched, he might have that liberty. The City Marshall was there, but could find nothing in his house, and he brought back his Servants, and I found them tripping in their examination; for, one said he dined at home that day, and another said he did not dine at home. The old Gentleman then being unwilling to charge him with Felony, some of his friends that were well satisfied that he was guilty, did perswade him thereunto; and thereupon brought a Paper to me under his hand at nine of the Clock, that he would charge him. Then I told him I must commit him to *Newgate*. Then said he, will you undoe me and my Family? and desired again to speak with the old Gentleman, which was granted, and then he would not charge him, upon Collonell *Turners* promising to find out the Thief: I took him aside, and told him he could as well find out the Thief as I could go to my Wife and Children; besides I told him, if an Angel from heaven should say otherwise, I would not believe it: and I could not sleep all this night, but thinking this person to be the man that was consenting or acting in the Robbery. The night following came to me a person of Quality, and a friend to Justice. The Court then asked, who is that, Sir *Thomas*? I answered, it was Alderman *Love*; who told me that the Birds were

all

all flown, that Colloneil *Turner* had removed. Thereupon I went immediately my self without any Servant, and meeting Major *Tucker* by *Bishopsgate*, I desired him to go with me to assist me in a businesse of concernment, which he willingly did. When I came without *Algate*, there were two persons, who were appointed to go with me to the farther end of the *Minories*, and there I came in and found Colloneil *Turner* with his hands in a Chest of money, and lifting a bag out of the Chest: I charged him not to stirre or remove the two Wallets there; and there being two other which the Maid of the house had secured in another Chest: I then told him that now God had justly discovered the matter; and I also told him that if I thought it to be Mr. *Tryons* money, I would doe him all the favour I could; he answered, I cannot say it is his money. Whereupon I made a Mittimus to send him to *Newgate*: He gave it once in his examination, that this money was removed from his house by himself, his Wife and Son this morning: and that he had received four hundred pound fourteen dayes since of a Goldsmith, but did not remember his name, I asked him what induced him to remove his mony from his own house; his answer was, that he did it only for two or three dayes time, till this foolery was over; but I could get nothing further from him, but only, he would endeavour to help the old Gentleman to his Jewels, and the rest of his money. He said, I hope you will give me leave to goe to the old Gentlemans house first, and I went to Mr. *Tryons* house, and told him that we had brought 500 *l.* of his money in two Wallets, and had brought the person that could tell him where the rest was, he desired to speak with Mr. *Tryon* himself, and I gave him leave, and afterward he came to me and said, we are agreed, and that afternoon he should have all his money and Jewels, but I told him I was not agreed, but I believed Mr. *Tryon* was willing because he might have his Jewells; Col. *Turner* desired the 500 *l.* stayed there untill about three of the Clock, and then he would help him to all his money and Jewels: I told him that whatsoever promise Mr. *Tryon* hath made him in private, I could do no lesse then send him to *Newgate*, that the Law might be further prosecuted; he desired me to stay but till four or five of the Clock, and then all would be brought there, which I did

consent:

consent unto. In the interim I heard something from the Maid, which if I had heard it before, I had not parted with him. In the mean time I heard he was arrested by Officers at the *Hoop* Tavern, and when I came there to him, he said to me, that no man was so unfortunate as he was in being hindered from his purpose and endeadours according to his promise, yet if you will give me leave, said he, till nine of the Clock, I shall produce them; and told me more then this, that if he had not an hours time given him, he should lose both money and Jewels: but I said, rather then I would forfeit my discretion and Trust, I would adventure it; then I told him he might send to the person, and he replyed to me, Do you think the person will bring his life in danger? he desired that one officer might go with him, I asked him, where will you goe? he said without Tower-hill, I called the Officer and asked him if he dared to goe with the Prisoner out of his Liberty? he answered no: then he prayed me to have leave to go near the place, so as he was within the Liberty with the Officer, that he might send to the place he intended: I told him if sending would do, he might as well have sent from thence. Then he desired that his Wife might be sent for to him, and I agreeing to it accordingly, word was brought, that he had sent his Wife for the Jewels and Money, then I sent for the City-Marshal to secure his Wife when she came back at eleven of the Clock, they told me they thought she had delivered the Jewels, but I had not examined her; he then desired me to speak with Mr. *Tryon* about the two foals which were pawned, and his Wife being apprehended, I examined her what moneys went out of her house lately, and she knew of none she said; then I asked her from whom she had the Jewels which she brought to her Husband, she said she came from little Tower-hill, and *White-Chappel*, and there she met with a person, bidding her to carry them where they were to be delivered, she not knowing any thing or who gave them her. At this examination taken there was present Sir *Thomas Chamberlaine*, Mr. *Milliagton*, and Col. *Turner*, who said, Now I have performed my part, I hope Mr. *Tryon* will perform his part. I asked him how he had performed that till he had brought the rest of the money; he answered, As for the 600*l.* I shall give Mr. *Tryon* bond to perform it within 6. moneths; I desired the bag wherein the Jewels were might be opened, not knowing whether they

were

were Jewels or no, which his wife brought with a Cats-eye-ring upon her finger to deliver to Mr. *Trion*. When I had told the Jewels I croſt them out, as they were mentioned in a printed paper, and I found them all except one Carkinet which was valued at 208*l*. When I had done all this, Col. *Turner* very much preſſed that he might not be proſecuted, and did apply himſelf to that purpoſe to Mr. *Trion*. I askt him then what he would have this Gentleman do for you, if none had known it but you and himſelf, and not been made ſo publick as taking of twenty examinations, it might have been otherwiſe. But this Gentleman is ignorant of the Law, and all the kindneſs I can do for you, is to ſend you and your wife to *Newgate*. Then ſaid he, I had better haue kept the Jewels: and ſaid I hope you will take bayl for me. I anſwering, that cannot be. He deſired that he might be ſent to the Counter and not to the common Jayl. Which I told him could not be granted.

Mr. *Trion* being robbed on Thurſday, I examined Col. *Turner* on Fryday; and on Saterday he removed the money and that day at night I ſent him to priſon. Onely one thing more I ſhall adde. I went to the Hoop Tavern to Collonel *Turner*, and there I deſired him to be ingenuous, and to anſwer me this queſtion, whether this was not Mr. *Trion's* money; which he confeſt it was: He anſwered, he would not deny it. But his Wife, children and maid denyed it. Then Sir *Thomas* ſaid, my Lord if he have any queſtion let him ask me and I will anſwer him, for I hope I have done him no wrong in what I have here declared.

The *L. Ch. J.* Bid him if he have any queſtion to ask Sir *Thomas*, that he would ask him. He ſaid I will ask him all this over back again.

Then came Mr. *Trion* coming into the Court, Collonel *Turner* called for a ſtool or a chair for Mr. *Trion*.

Col. *Turner*. I demand of Sir *Thomas Allyn*, when he firſt came to this buſineſs, whether I did not tell him, there is a wicked young man that has belyed me, my Wife and Family in ſaying, he and the maid ſervant ſupped at my houſe the night that Mr. *Trion* was robbed.

Sir *Tho. Allen*. He did deſire me to examine the young man, which I did. And though he had ſaid before he had ſupped at Col. *Turner's* houſe; yet I found then he had not.

C. T.

C. T. 2. *Qu.* Whether on Fryday night, being preſt by the Alderman concerning the buſineſſe: I told him I had ſome ſuſpition of ſome perſons that would have robbed *Trian* a year ago. And I employed Mr. *Moſely* the Conſtable, and Mr. *Trian's* man who did go that night to *Ratcliff*, and whether I did not promiſe at that time to uſe my utmoſt power that I could to that purpoſe. And whether I did not tell him that the money was ſent thither on purpoſe to gain the reſt of the money and the Jewels, for he that hath the reſt of the Jewels will not bring them, but in expectation to have this money ſhared.

Sir *Tho. Al.* replyed, There was not any ſuch word ſpoken by him, but the quite contrary, and told him, that an honeſt man need not remove his own money from his houſe. While I was examining him I was told that his eldeſt ſon was run through at a back door and lept over a ditch. Firſt he ſaid he had his money of a Goldſmith, and afterwards he ſaid it was Mr. *Trian's* money.

Col. *Tur.* I deny it not, for I will not have my buſineſſe ſpoyled. And demanded, whether Mr. *Trian* did not promiſe that the man ſhould be free, if he might but have his goods, the Thief having bound me that I ſhould ſwear to him by the bloud of Jeſus Chriſt that dyed for ſinners not to diſcover him. And that the old Gentleman ſhould ſwear the ſame to me.

L. Bridgman. Col. *Turner* you forget what you are upon, for that is not the queſtion in hand.

Col. *Tur.* I onely ask whether I did not ſpeak this to him. Yes ſaid Sir *Thomas*, I do remember ſomething to this purpoſe there was ſpoken.

L. Ch. J. Col. *Turner* anſwer the Queſtion in ſhort, whether or not you are guilty of breaking the houſe and robbing Mr. *Trian* or no.

Col. *Tur.* My Lord, I hope I ſhall have that benefit to call him as a witneſſe for me afterwards.

L. Ch. Juſtice. That you may.

Col. *Tur.* Your Honours moſt humble ſervant. I am very ſorry that I have put him to this trouble.

The Priſoners being all at the Bar, Mr. Trian *declared as followeth.*

Mr. Trian. My Lord and you Gentlemen of the Jury, about eleven

a clock on Thursday was a sevenight, two men came in to my Chamber, where I was fast asleep, one on the one side, and the other on the other side. The one had a Lanthorn, who opened one side of it towards me and wakened me, which much astonished me as it might well; but I said my Masters who are you, newly being wakened out of my sleep and antient withall, I apprehended one of the men for another man, saying to him, what do you here at this time of the night. He gave me no answer, but one of them took both my hands together, and the other with a little cord bound me very hard, insomuch here is yet the dent to be seen. Then bound my feet and gag'd my mouth, and used me like a beast most inhumane. I suffer'd it because I could not avoid it; when they had done they told me I should not loose a hair of my head if I would be quiet. I knew not their intention but I fear'd it; and when they had done this theft, that none to me into my house. My servants I know nat upon what ground went forth a door to supper when I was in bed. About two hours after, I rouled my self out of the bed and fell down by a chamber-pot of white earth, with my fall the chamber-pot broke and I very much hurt my side with the pieces thereof, but with much ado. I cannot tell haw my self, it pleased God to help me that I got to the chamber window and cryed out, *Murther, Murther, Thieves, Thieves.* Whereupon Mr. *Van Acre* came in, and unbound me, and I went down into the Ware-house with him without my clothes save my waste-coat and shirt, There I saw they had been, and I thought it must be those that were privy to my house, for they went to my Cash and took my keys, some of which was intended for the Lord Bishop of *Chichester*, and the rest was mine own: his servant *Hill* minded him of his Jewels that were lost, then he said I have forgot something of my Jewls that were in a drawer under a table in my Counting-house, and he was privy to it.

L. Ch. J. Who was that? He said it was *James Turner*; for I made use of him, because he was an active man. But proved so contrary to my expectation that never man could prove more contrary.

L. Bridgeman. Mr. *Trion*, tell my Lord and the Court what moneys was brought back to you, and the whole story. There was brought 500. *l.* in money. Was your money in bags or no? He said yes. Were these the same bags? I cannot say but they were, being canvas:

They

They had the ſame reſemblance with mine, being my Lord of *Chicheſters*, and all ſealed with his ſeal; but the ſeales were defaced. Alderman *Allen* took notice that there was a Letter from the Lord of *Chicheſter* ſealed with the ſeal of the bags, being ordinary 100 l. bags of Canvas, they were brought back in two Wallets.

Will. Hill. When I went out to ſupper, I double lockt the door, which was about 7 or 8 a clock that night, my Maſter being gone to bed; but when I came home I found thoſe things gone in the counting houſe, and I found the beſt of the Iewels cull'd and gone, and ſome inconſiderable of them beſt. On *Saturday* following being arreſted by two Serjeants he was carried to the Hoop Tavern, ſending for me to come to him. I took with me two of my Maſters friends, Mr. *Gurney* and Mr. *Pilkington*, and he deſired Mr. *Gurney* to be bound for him that he might go on with our buſineſs, which was denyed. Then I told him what a providence it was that I was from whom that night my Maſter was robbed, or elſe I had been killed. No they would not have killed you, but only have bound you and the maid in your beds. I asking him further how the Theives came into the houſe, he ſaid he had examined the thief, he told me one of them got into the houſe in the day time, and continued there till that time in the night; finding a Candle in the Kitching, he did light it, and went up to my Maſters Chamber, and took the Key of the ſtreet-door, and let in the reſt of the Thieves, and he ſaid to me that the Thief's Name that told him this was one *Will.* About a year ago he went with me to drink at the *Cock* behind the *Exchange*, in the morning, and there we had ſomething to Breakfaſt, and there he ſaid; Your Maſter is ſickly, and cannot live long, there is a good Eſtate, and he will never make a Will, therefore it is pity that ſuch an Eſtate ſhould go to the building of *Pauls*, and told me that he had preſſed him to make a Will, but he ſaid he told him that he had done it already, when we know he hath not; and then he told me of one that could counterfeit his Hand, if I could but help him to the Copy of the Will, and then he declared, That I and Mr. *Garret* and my Maſters Kinſman ſhould be Executors to that Will, and

that the Lord Bishop of *Chichester* should be Overseer. Then, said he, this will content your Master; I told him I would not do any such unjust act: he answered me, he would not give it to his friends, and it was pity that an Estate should go to the use of building *Pauls*.

L. C. J. Where went you that day that the Robbery was done.

Hill. To one *Stayes* house in *Fanchurch street*, and comming from Supper found the door open. One of the Gentlemen that supped with me, heard a great noyse in *Lime-street*, and he heard that an old Gentleman was robbed; I hearing of it went forth with the fright and found it so indeed.

Col. Turner. Shall I ask him a question: How long is it since you report it was that I spoke to you about that Will.

Hill. About a year ago.

Col. Turner. Why did you conceal it all this time.

Hill. Because I durst not reveal it.

Col Turner. He runs into extravagancies. His Uncle has an acquaintance of one *Granger*, that is a counterfeiter of hands.

But *Hill* denied it; & *Turner* said, I had a Warrant from the Council and the Kings Order to apprehend *Tony Granger*; and I found this mans Uncle was his acquaintance, and I found that he had counterfeited the hand of a Noble person. Then I told *Granger*, that the King bid me tell him he would have his Ears for it. He told me that he was not bound to find the King Ears every day in the year: and without that *Hill* might be ask't whether he did not tell him, that he was acquainted with this Rogue that could make such a Will. Yes, said *Hill*, but it was the first time I heard it.

My L. C. J. Did not he perswade you to it?

Yes, said *Hill*, he told me that I, and *Garret*, and another should be Executors, &c. But this said *Turner* was but jesting.

A Woman being examined, said, that Mrs. *Turner* came on *Saturday* morning last, at six of the Clock, and knockt at the door, I ask't who was there, and she said a friend: who, Mrs. *Turner*? Yes. Then I went and dress't my self to let her in. I asking her what she would have, she told me of a Merchant that was newly broke, and desired me that his money might be secu-

red

sed in my hands. And least I should be put to my Oath that I had any of the money. Therefore I thought good to bring it to her house, that she might secure it for the use of his Wife and Children. I asking her where it was she said her husband and her son *Ely* was comming with the money. By that time I had lighted a Candle, there was: she and her Son *Ely* with bags of money in the shop; she asked me if I could spare a Chest to put it in. And I told her yes, and I opened a Chest, wherein was put the Wallets of money. And presently after came in Coll. *Turner*, and set upon the Compter other bags, and opened one of the bags, and he asking his Wife concerning the seal upon the bag, she said the Gentleman that owed the money desired her to break off the seal of the bag, and they gave me twenty shillings to let the money be in my house: Col. *Turner* took out three parcels of the money and put into a Chest, and said to me, if your Sister, or any friend of yours ask about it, let it not be known, because if you doe, it will ruine the Woman and her Children: or if the Maid within ask any thing, tell her that a Woman having a bad Husband, therefore desired the money to be in my house.

L. Bridgman. How many Wallets were in the Kitchin, and how many in the Shop. The woman said, as she thought, but two double, and two single.

L. C. J. When the money was brought first, was there any discourse of the money. (Saith she) as far as I remember I saw five Wallets brought into my house; three of which was laid in the Chest in the Shop, besides what was in the Kitchin. I have two Girles that are my Apprentices, the one is nine, and the other eleven yeares old, those two Girles saw Mrs. *Turner* fetch out something in her Apron from the Shop; there was first Wallets brought in, a bag in each Wallet.

The fifth Witnesse, a Gentleman acquainted with Col. *Turner* being sworn, said he meeting with Col. *Turner* the morning after this was done, by Mr. *Tryons* house he told him he had been as good as his word, in making a discovery of the business: at one a Clock he met with Col. *Turner* upon the *Change*, and said to him, Did I not tell you what I would doe? I have met

with

with part of the money and the jewels, and the reſt of the money I ſhall have at five a clock, but asking him where the perſons were concerned therein, he ſaid they are friends, and the old Gentleman hath pawned his ſoul they ſhould not be proſecuted, but he told him that they were none of his friends to uſe him ſo barbarouſly, then Col. *Turner* ſaid that they went beyond their Commiſſion.

Major *Tasker* the 6. Witneſſe, ſworn laſt night, he ſaid coming along the ſtreet he met with Sir *Tho Alleyn* who deſired his company into the *Minories* about buſineſſe there, which I did, and paſſing there we overtook theſe two Maids, asking them where the houſe was, they ſaid next door beyond the Braſiers; coming there with Alderman *Alleyn* we found Col. *Turner* with his hand in a cheſt where were 2. wallets with 3. bags, Ald. *Alleyn* deſired me to ſecure them, which I did, and there I ſaw a young man play in the Kitchin at *bo peep*, at laſt we heard he was run away, the Alderman putting it ſeriouſly to Col. *Turner* whoſe money it was, he ſwore *by God* it was his own, the Conſtable being ſent for, we carried the money to Mr. *Tryons* houſe, where Col. *Turner* and Mr. *Tryon* had private diſcourſe. Col. *Turner* coming out, ſaid, he would not leave his money any longer in our hands, but with the old Gentleman, I told him I cared not, ſo were diſcharged of it.

The 7. Witneſſe ſworn, ſaid, on Thurſday morning was ſeventh-night Mrs. *Turner* came into a former Witneſſes houſe at the lower end of the *Minories*, and deſired to come in, and ſhe let her in, and ſhe asking what was her buſineſſe, ſhe ſaid ſhe had a little money, and as I lay in Bed I ſaw Mrs. *Turner* come in alſo, but ſhe ſaw no money, but hearing a great noiſe, but ſaid nothing, but after they were gone, the Maid told me upon asking what was brought, ſhe thought it was money, I told her we ſhould be undone if we did not declare it to ſome acquaintance of hers, and when ſhe was up ſhe went to make ſome acquainted with it.

The 8. Witneſſe ſworn, he ſaid he was at Mr. *Tryons* houſe on Saturday evening, and he with others preſent were deſired to ſee the bags taken out of three wallets, and he ſaw three bags without ſeal and two had one, comparing the ſealed bag and a Letter ſent from the Biſhop of *Chicheſter* to Mr. *Tryon* together, they appeared one and the ſame.

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The 9. Witneſſe ſworn, Mr. *Andſon* comparing the ſame Letter and Bag together they both agreed.

Lord *Bridgeman* asking Mr. *Tryon* upon view in Court of the Letter whoſe ſeal it was, he anſwered it was the Lord Biſhop of *Chicheſters*: the Lord *Bridgeman* ſaid to him, open the Letter and read whoſe hand is to it with the ſeal; and he further ſaid it was the Lord Biſhop of *Chicheſters*, both which was ſhewed to the fore-man and the reſt of the Jury, and by comparing the ſealed Bag with Letters and Seal, they agreed to be one and the ſame.

L.C.J. If you obſerved the Witneſs, *Turners* Wife when the money was firſt brought into the houſe, ſhe took off the ſeals, & ſaid the Gentlewoman directed her to take off three Bags Seales. Mr. *Hill*, Mr. *Tryons* man declrared, that he left his Desk ſufficiently lockt, had the key in his pocket but found it open, and there was taken from out of it 45 *l.* in money, it was left in the Ware-houſe, the Jewels were in the Counting-houſe in a drawer. *L. C. Juſt.* asked him how he left Mr. *Tryons* door when he went out with the Maid, he ſaid he left the outward double lockt, took one key with him, and left the other key in his Maſters Chamber. Lord *Bridgeman* asked him how he found the door, he ſaid, before he came, the door was forced open (as appeared ſince) with a crow of Iron, left the Couuting-houſe door where the Jewels were, lockt, and the kay hanged up among a bunch of keys. Lord *Bridgeman* asked Mr. *Tryons* neighbour that came firſt to help him into his houſe after crying out murder, he ſaid his outward door then it was ſhut up, ſo that they were forced to break open the door, he ſaid he went into his chamber firſt, and found Mr. *Tryon* bound with ropes, and he untyed him, and put them in his pocket, another with ſe ſaid the ſtreet door was but half lockt, and was quickly opened with a Crow of Iron, and he found the Warehouſe door and the Counting houſe door open, and the key of the caſh Cheſt in it, he heard Mr. *Tryon* ſay the Lord *Chicheſters* money was gone and his jewels, but Mr. *Tryon* was deſired to goe to bed, which he did, and a Chirurgeon ſhould be fetched to him, and by this time his man *Hill* came inquiring of him where he had been till that time night, he ſaid at Col. *Turners* at ſupper, asking him for the maid, he ſaid ſhe was left there in a ſound, a little after came the maid, and asking her where ſhe had been, ſhe ſaid in *Fan-Church-*

ſtreet

ſtreet at ſupper, after this came in Col. *Turner* who made a great buſſel: afterward, he and the Conſtable went to the place where the maid ſaid they were at ſupper, asked if they were there at ſupper, and it proved they were ſo.

Chriſtmas ſworn a witneſſe ſaid that laſt *Friday* at two a clock in the morning, the Conſtable comes with another man, and knocked at his door, he asked them what he would have, who anſwered that one Mr. *Tryon* was robbed: he ſaid whats that to him, they told him he muſt go to Mr. *Tryon*, he anſwered Mr. *Tryon* was a civiller man then to ſend for any man at that time a night, but there coming another Conſtable which ſaid if he would not open the door, he would break it open, he told them they need not, and calling to his Landlord to open them the door, they carried him as far as the Exchange, and there was *Tryons* man, and he told the Conſtable, that he was a very honeſt man, then they concluded to carry me to *Tryons* houſe, but they carried me to the Compter. There was the Conſtable of *Broad-ſtreet*, and Col. *Turner*, & they askt me what Juſtice I would go before, I ſaid, I was indifferent, but thought it moſt convenient to goe before Sr. *Thomas Adams* living in Mr. *Tryons* pariſh: as we were going along the ſtreet, he would not let the Conſtable goe along with his ſtaffe, for he ſaid he was neither thief nor robber.

When I was come before Sr. *Thomas Adams*, they had nothing to charge me withall, whereupon I was diſcharged. The Lord Mayor demanded, who called this man out of his bed, it was anſwered it was Mr. *Tryons* deſire; *Tryon* ſaid he did ſuſpect *Chriſtmas* to be one of them. Then ſaid the Lord Mayor, I take notice by the way that this gentleman being a corpulent man, Mr. *Tryon* might eaſily miſtake him to be the priſoner at the bar. *Chriſtmas*, I can prove where I was at that time.

Turner being arreſted, deſired the Officer to go with him to get the Jewels, and the reſt of the money, as he had undertaken, which being denyed him, he ſent his wife to meet with a man on Tower-hill and if you ſee, ſaid he, ſuch a perſon, demand of him if he hath any thing to deliver you, and ſo about two houres after his wife brought the jewels to the Hoop Tavern, and from thence they went with them to Mr. *Tryons* houſe, where being opened they found all but a Carkinet wanting, valued at 200 l. which the man had had told his wife

was

was fallen behind a Chest, and he questioned not but he should bring it to her to morrow.

Mr. *Madock* a witnesse said Col. *Turner* told him that if Sr. *Thomas Allen* had not secured him, he believed he should have had all the jewels, and the rest of the money.

Lord Bridgeman. Whether did he tell you that the money that was delivered to Mr. *Tryon* came from his own house. Col. *Turner*, said I do own it, I did say so, and I will unfold the riddle to you by and by.

Sr. *Tho. Chamberlain.* On Friday morning was a sevenight I heard that Mr. *Tryan* was robbed, and at 3 a clock that day I went to Mr. *Trian's* house to visit him, I found Sr, *Tho. Allen* there, and viewing the Jewels and the money brought in, I mistrusted that Col. *Turner* was the robber, and my reason was, because of his often frequenting the house, and knew where the keyes of the cash did ly, and that none but he could doe it, as I told Sr. *Tho. Allen.* Another reason was that he was alwayes a harkning at the door in the yard, when any was upon examination before us, I askt the maid if she had not been tickling several times before, but she denyed it, and said she was never out before that time, but the young man confest that he had been 20 or 30 times entertained at Col. *Turner's* house, Also when Sr. *Tho. Allen* was sending *Turner* to Newgate, is this the thanks I have for going on your errand, and using much ranting, swearing and banning termes, he said he should go himself next time, Insomuch, I told that I feared the Devil would fetch all in the room for such unreasonable oathes, and having repeated most of the passages which Sr *Tho. Allen* had done, he ended.

Sr. *Tho. Allen* said that *John Turner* fled away, and the said *John* being demanded why he fled, said the woman of the house willed him to fly for his life, whereupon Col. *Turner* answered alas poor child, he thought the theeves had been come to me for the money again. *John* being asked what he could say for himself, he denyed that he knew nothing of the business, onely he knew of the carrying the money. Upon the same fact *William Turner* on Thursday or Wednesday was a sevenight, was brought before me by another Justice of peaces warrant for being a person of an ill name and fame. Who being brought before me, I askt him, when he had seen Mr. *Turner*, who said, he had not seen him these three yeares, unlesse by

chance he met him in the ſtreet. But it appears ſince by a perſon that is here to juſtify it, that he did drink with Col. *Turner* the day before the robbery, and Col. *Turner* paid for the drink which was at the Cork, behinde the Exchange, and they went out together.

The man that keepeth the Cock Ale-houſe, ſaid that he was askt whether he knew that man, meaning *W. Turner*, and he ſaid no. whereupon he wiſht him to have a care of him, for he was a dange-perſon, and the ſame day Col. *Turner* came into the ſame room to him, yet Mr. *Turner* ſaid he had not ſeen him at leaſt 3 yeaes together laſt, for he was grown too high for him. Two witneſſes more proved that he was with his brother Col. *Turner* at the ſaid Cock ale-houſe.

C. J. Hide. Col. *Turner* you have heard your charge, now you ſhall do well to make your defence, you ſee what is laid to your charge.

Col. *Turner*, Ay, my Lord, I ſhall clear it all: a coach man was called, and he ſaid that on thurſday night was ſeavenight, coming from a play-houſe with my coach, I ſaw four men, two on the one ſide of Mr. *Trians* door, and two one the other, and every one a hankercheif about his neck, and a cudgel in his hand, which was about 8 or 9. a clock, but he knew them not, if he ſaw them again, for two of them ſtood with their faces towards *Tryans* door, as if they would go in, and the other two with their faces towards *Fan-Church-ſtreet*.

Mr. *Tryan* alſo ſaid that *Will. Turner* as he ſuppoſed was one of the two that were in my Chamber, and did ſo ſtrike my teeth out. He ſaid he would not wrong the leaſt hair of my head if he would be ſtill. The *L. C. Juſt.* ſaid, do you believe that to be the man. Saies Mr. *Trian*, I am loath to charge him, but he is as like that man as ever I ſaw any one like another, and I think he is like that man both for his pitch and hair.

L. C. Juſt. You have heard a long ſtory of your Charge, but in ſhort, the ſubſtance of it is this, That you and *Will. Turner* met together the day before this Robbery was done at an Ale-houſe, where he ſtaid for you till you came, and you paid the ſhot and went together out of the houſe, and what your buſineſſe was, you can tell better then I. And the night following Mr. *Tryans* ſervants going out, left the door double lockt, you knew the rooms where his mony and Jewels were, and every thing elſe, or elſe the Robbery could not have been committed but by one that very well knew the houſe: and after the houſe was robbed in the morning early, you and your Wife, and your Son removed that money out of your houſe,

and carried it to another place, with this false story, that the Money was a Merchants that was become a Bankrupt, whose Wife had Eight Children to maintain. And when you were taken upon suspicion, you denied it, and so did your Wife and Children, and afterwards being taken in the place by Sir *Thomas Allen*, where the money was, you own'd it to be your own. Although there was one of the bags taken with you, seald with the Lord Bishop of *Chichesters* Seal, who had left 50 l. in bags sealed, in Mr. *Tryans* house, and this you have proved by four or five Witnesses, comparing the Bishops Letters with the seal on it, and the bags sealed together. Your Son being present at that time, runs over a ditch and flies for it, which gives just ground to suspect him guilty. Your self and your Wife have taken upon you to know every thing in the whole acting, both in the gagging of Mr. *Tryan*, and that the pulling out of his Teeth was done without a Commission; and could tell his servants, that if they had been in the house, they should have come to no hurt, but onely have been bound in their beds; and you could tell the story how many came in, and how they got in: By laying all these together, if you were not an actor in it, all the world will conclude you to be in the company of them that did it.

Hereupon Col. *Turner* desired that his Witnesses might be called to prove where he was that *Thursday*, when the pretended Burglary should be committed; and that I, my Wife and Family, and whole houshold were in bed fast a sleep, and innocent, not knowing any thing in this businesse. If I doe not prove it, let me and all my Family be hang'd without mercy.

L. Bridgm. All this may be true, though I think it is not, nor cannot discharge you. It is an ordinary device for the setters in such businesse, to be in their beds at that time. But can you satisfie the Court at what time, and how you came by the money and Jewels.

C. T. I shall doe it, and certifie the whole Court.

L. Bridgm. Can you certifie the Court in the right way, and give my Lord an account how you came by it.

C. T. Being fetcht out of my bed by a Constable to come to Mr. *Tryans*, and having heard that some Villains had used him

strangely, it was a great trouble to me. And seeing him in that condition, I told him that these were wicked people. I gave you warning when you gave 5 l. to Colonell *Aston* a year ago. I asked him whether he saw the faces of them, and he told me he suspected one of them to be Mr. *Christmas*, whereupon Mr. *Mosely* the Constable took Mr. *Christmas* and falling out by the way carried him to the Compter, as is before related. I sate, said *Turner*, up all night with him, and he told me that Mr. *Tryon* was robb'd. The Constable calling up Col. *Turner*, asked him if his Sons and Family were in bed. Why? said I, doth Mr. *Tryan* suspect me; No, said the Constable, he requests you to come to him, and to assist him as you had formerly used to do. And began to say, *Vpon my Honour and Reputation*. The Court interrupted him, saying, Use not such words, for they become a better man. He said, I hope I shall appear a good man for all this. After the Constable had searched the house, and finding his Family all in bed, he said he would acquaint Mr. *Tryon* how souly his Man had belyed me, and I said, I prey stay and take me along with you, and I did go with him, and left everybody in bed, and lockt my door.

L.B. You shall do well to husband your time. *T.* I am upon my life, and if I were guilty it would not trouble me, nor would I in the least excuse it. Upon *Friday* night Sir *Tho. Aston* argued with me, I told him it must be some that knew the house formerly; and I remembred a Letter which signified a Robbery that should have been a year ago, by one *John Wild*; and after a long story or Romance, he found out by that Letter my Lord *Hawley's* Son, who was named in that intended former Robbery, who married Mr. *Tryans* Maid, who would have had her husband have robbed Mr. *Tryan* of all his Jewels, and told me he had been in severall places towards *Algate*, &c. to finde out the Thief that should have been in this Robbery. I met with a man in a black Cloak, but I could not say he was the man, I out-went him, and met him on the other side, and that was it confirmed me he was the man I looked for. I catched him by the Collar, he said, what mean you? I said, I charge you with flat Felony. I know, said he, who you are, are you not Col. *Turner*? Then I told him Mr. *Tryans* house was robb'd, and that he was the man that intended to rob it twelve moneths since. I bid him be quiet, or I would lay flat

Felony to him. Then said my Lord, what night was this on? This was on *Friday*, about 12. a Clock at night. Then I presently got my hand within the Waist-band of his Breeches, and I told him, *Wild*, if you will be rul'd by me, you will save your life, or else you will go to pot, for I will charge you with that Felony. Then said he, I pray make no noise: in brief, sayes he to me, seeing you are resolved upon it, I see you are a person of Honour, and a Gentleman that will keep your word: Sir, if you will promise and swear to be true to me; why said I, what would you have me say? I would have you promise; you shall swear to me, sayes he, *by the blood of that Jesus that died for all sinners*, that I shall have my life freely, & then I shall discover all things to you, which if you do, I will tell you more, if not I will tell you nothing. I said then, Let me never rise off this ground if I be not just to you, that not an hair of your head shall be toucht. He told me also that I must engage the old Gentleman. And then I told him, I will tell Mr. *Trias*, whose household brood this Burglary must needs come from: I make him where were the things, he answered, not far off. And Mr. *Trias* did say the same thing to me, and engaged himself as I had done. He whistling 3. times, there came out another fellow out at the further end by the slaughter-house: *Are we undone Tom, then?* we are like to be all undone: But lighting into the hands of this Gentleman, he will save our lives, for they do not know us, but the money must be returned; therefore send that money. Then said I shall not we go with him? No said *Wild*, Then was I very glad, for I might have had my throat cut for this 500*l.* but it was brought at twice. The two persons went again & brought it between 7. & 8. This fellow that he called *Tom Smith* brought another with him; all the while when he brought the first sum, was two hours between that and the last. He & I walked on the head of the Hill while we thus walked together, what desperate villains were you to use this Gentleman thus, that is so. years old, and better. You abused him he says when he was asleep, & disturbed him in his sleep, you dealt very ill by him. I had heard some say that they had stab'd him, which was but the fall of the chamber-pot. He said that there was no such intention, nor order, nor commission for any such thing. I asked how they got into the house? he told me he got in by the street door, it standing open sometimes half a day together, & hid himself in the cellar, & went up to the Old mans chamber, & there found the keys of his Cash, &c. he said there were 3. or 4. in all in company. And after a long discourse he said all for the rest of the things should be brought by 9 of the clock. We met at our parting at the 3. ways at the end of the *Minories*, by the Saint Ies shop: & after a long relation to excuse his sonne in what past between him & the Thieves, he told Mr. *Trias* that but only 38*l.* of his money was spent: & said he Mr. *Trias* I dare be bold to say that by 2. a clock in the afternoon you shall have the rest of your money, & all your Jewels on that condition Mr. *Trias* promised to give me 500*l.* & I told him I had already good part of his money, whereupon he was overjoyed at it, saying, since it is not true, but I bid him make no words of it, for if he did 500*l.* more he would lose it all. The Lord God, says he, make me thankfull that I had such a friend in the world to

do thus much for me. And with a strong asseveration promised that the bloud of the man, nor any mans bloud else should be shed, & went over & over again with it betwixt 7. & 8. I went from him to *Tower* hill, to look for the Merchant who had been in *New Gate*, and should have been transported above a year since.

Then I told him I hope now he had pleased him, lodging the money in his hand. Now I asked him what he had done on th'other side, and at last he told me now I had done my part, what will you do for your part: and thereupon I fetcht my wife and my son to help to hand it over the ditch. In the mean time came Sir *Tho. Allen* with a great company of people and the Constable, and the people bidding my son fly for his life, made an escape; and I do avow in the presence of God, my son *Ely* knew nothing of it. At last he said, my Lords you have a great deal of patience with me, I am much bound to your Honours for it, but it is nothing but the naked truth, for I have trodden it out; if Sir *Tho. Allen* had left me at Liberty, I should have had the rest of his money and Jewels.

L. C. I. Here is an Indictment against *James Iohn* and *William Turner* for breaking the house of Mr. *Francis Trian*, and for stealing 1100. *l.* in money, besides Jewels, likewise *Mary Turner* and *Ely* that knew of the committing of it, and were abetting and assisting them. Afterwards to speak of *Mary* the wife of *James*, though it appears she had a hand in carrying away the money and Jewels, yet 'twas nothing but what was with her husband, and by Law she cannot be as accessary with her husband, the Fellony or Burglary committed by her husband. I observe in the whole course of the Evidence, not any thing touching *Mary* or *Ely*, nothing that was charged upon them. But as to *James* and *Iohn*, you have taken notice, your memory is better then mine, and you are understanding men, and therefore I need not repeat it. I leave it to my Lord *Bridgeman*, whether some may not be guilty of Burglary though they were not actually present when 'twas done, I put the case thus. Suppose to rob an house, the rest staying without: whether those that came to that purpose, staying without are not as guilty as they that are within. The Coachman saw four men at the door, though there were but two appeared to Mr. *Trian* in the chamber that rob'd him, yet Mr. *Turner* being of their company, He being an Intelligencer as you may gather by the story, he would not say positively there were but three, but three or four: who that was that he heard it from, God knows, for I believe the story is of his own framing. Nothing is made to appear but from his own mouth, as instancing the beating out the Gentlemans teeth &c. Next morning if you weigh particular information and knowledge that *Turner* hath of all these things, and upon Wednesday before he met with his brother *William*, and considering of what repute his brother was that could not give an accompt of himself where he was that night: next day *James Turner* goes to find out the thief, and has no ground for it, but a pretended Robery that should have been upon *Trian* a year before upon a Letter, and he had indeed very good luck to find this Thief, but 'twas a very unlikely matter that he should light on him so [illegible] on catch him by the throat or collar, and the man presently [illegible] the money was, and that another man that he brought [illegible] the money, he walking there till he came. And that he [illegible] till next day to bring in the Jewels after the mony had [illegible] by certain tokens; to describe likewise his wife to [illegible] to receive the Jewels and a ring worth a 300. *l.* whom they had never seen before. 'Tis a fine framed story; he would have gone along with one

and no more in company, and he must know nothing of it neither. He has no other defence but his story; and every mans reputation is good, till something be laid to his charge.

L. Bridgm. Gentlemen of the Jury, my Lord hath repeated to you, the Evidence; therefore there rests now nothing of that. Onely I shall observe one or two things in point of Law. I must agree in the opinion which he was in, and shall more considerably satisfie whether or no this is Law. If a man hath a false Key, now suppose in a point of Law, I ought to be of Counsel with him and with you, admit him an accessary, you cannot find him guilty of this Indictment, but there may be another afterwards as an accessary. But you cannot find him guilty of this Inditement if not a Principle: it is almost impossible in Burglary, unless a man see it, for which he may be knockt on the head; or he present at the Burglary, to prove whether he broke ope the doors or no. But he may guesse by circumstances. Mr. *Trian's* door was shut, but since broke open by a Crow; though they that came to help him did it, especially when so many men were there, 'tis very suspicious that they had a Pick-lock; either they must come to be in his house in the day time, or else pick his lock. That they came in the day to the house, there was no reason to think it: if you conceive him guilty of the thing, you have as much reason to conceive him guilty of the same circumstances, as of it. If he came in by a pick-lock, they must not be strangers, but some that knew the house, and all the passages, and when the fact was committed. I do not say that *William Turner* was the man. The man and the maid were not there, so it appeared not through their directions clearly. Then if you consider who should probably come into this house, and ly in the cellar; he must break the door, if it appear to be *James Turner*, though but an accessary; yet you have reason to conclude him as Principle: if he came in with pick-locks, or any one of them: let them open your door with pick-locks, yet it is as direct a Burglary as if it were done by an Iron bar, and all one. If it appear that he had any hand in this businesse, I leave that for you to judge, whether any one that was a pure stranger could have so ordered his businesse, and gone so to work; and admitting of him to be privy to it, you must find him as principle. You may see what a story he tells you: by all the Circumstances if that you think him any way as accessary, you must believe him guilty of the Burglary. But if you believe him in what he hath said, he hath made a fair Romance for himself. But if you believe him any wayes guilty of the businesse, as appears too much by telling all the Circumstances, how his Teeth came out, *&c.* He saith he had them all from Wilde; But whether there were any such or no. He knew how they knockt his Teeth out with one of their knuckles, he knew they had no commission to do it, but was sorry for the inhumanity of them. If you observe, Sir *Tho. Chamberlain*, they could not examine any, but he would thrust in among them. Admitting him to be the man, as you in your consciences are perswaded that he had an hand in the businesse, by this very reason he had an hand as principle. We have the honour to sit upon these capital Offences; but we know it is an ordinary thing for such to prove where they were at [illegible], before and at the time of the Robbery committed. All guesse it to be [illegible] Tan a Clock, for divers neighbours came in for to help Mr. [illegible] found him in his house roll'd to the Chamber window. After the news came to Sir *Tho. Allen*, 'twas but 10. a Clock, he was up writing Letters by the Post, yet *Turner* was in bed. Upon these and other circumstances you may suspect him to be guilty, though in his story. If it be true as he hath said, he hath made himself a

direct accessary to the Felony. First being examined before Sir *Tho. Allen*, what he said then was but in jest: But when a man comes to be examined before a Iudg of Record, he ought not to trifle as at other times. He must not say I told you them in jest, saying that it was his own, and afterwards to come with a Romance to fetch it off again. This is a direct Romance indeed. This man must needs go indeed on his own head on Fryday night seeking out *Wilde*, with whom he had no acquaintance before, but from an intentional Robbery a year before, grounded upon a Letter, and in this Letter, which he kept a copie of, wherein there was nothing of *Wilde* at all, and that he should go at 11. or 12. a Clock at night to seek this person: It is an *English* Proverb, That *A blind man may catch an hare*; and so for him to go without a Lanthorn or candle, which asking before, he said he had not, and there to walk, thinking that some *Mephostophilus* could come & tell him who was the man which he there seekt for, and then to take hold of this *Wilde*, sure this was a noble and an ingenious Thief, though the Collonel was but by himself, & there was three of the Thieves together upon the whistle, Yet that they should restore all to Collonel *Turner* but 38. shillings, and the other Thief comes, he was certainly a very valiant man that would trust himself with these two, unless he had advised them to the businesse himself. The third man comes, and he carries away barely upon his word eight or or nine hundred pound brought from *Turner's* house: we have nothing but his word for all this. A story made by his direction to his wife to a friends house, which was to be lookt upon as a bankrupt, and afterwards to remove these Jewels punctually because of being arrested, and if he should be taken, that he should give them such an Item, That if such a woman that he described to them should come, it might be as well as if he himself had come. Certainly he had a great Spirit of Prophesie, that if he could not come himself she might; and afterwards she went and had the Iewels. But if you believe all this that he hath said to be quite contrary, or to be accessary to this Felony. He hath said enough to make himself an accessary to another Felony, wherein *Wilde* was principal. That's not enough, he had the money found with him, the Iewels, and the man that disposed of the money. Whether you believe the rest of the story or no, he hath made himself as accessary. So put all together though he were not there himself the door being opened, suppose it were as he sayes that one was in the house before, and he opened the door and let in the others. If he himself were there or came in, whoever that was, he knew the house, though the man was in before, yet it was Burglary in him as well as any of the rest. In all these circumstances you must believe this, that one that was there was knowing to the house. But I shall leave the matter of Fact, but if he came but in in the day time, with a purpose to commit Burglary and Robbery in the night, and he opening the door, it is enough to make him guilty of of the Burglary and Robbery. The door being doubt lockt, he went up into the Chamber for the Key, and opened the door to let in the rest, as if any servant should open my door to let in thieves to Rob me, 'tis Burglary in him, as well in them.

The Iury went out, about 3 quarters of an hour, and having debated the businesse, being called answered to their names: and they recorded their Verdict as followth, That James Turner *was guilty of the Felony and Burglary, whereof he stood indited, and* John *his eldest son was guilty of the Felony.*

But William Turner *was not guilty of the same Felony and Burglary, nor* Mary, *nor* Ely *were guilty of the same Felony and Burglary as accessaries after* James.

FINIS.

Ex. S. M. 6/3/12